

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEON CARIL II,

Petitioner,

v.

ROBERT JACKSON,

Respondent.

CASE NO. 2:23-cv-01735-RSM-GJL

ORDER EXTENDING STAY AND
DIRECTING STATUS REPORTS

This matter is before the Court on referral from the District Court and on Petitioner Leon Caril II's Motion to continue the stay of these proceedings and Respondent's Status Report. Dkts. 32, 33.

On May 15, 2024, the Court entered an Order staying this case while Petitioner exhausts his state court remedies and directing Petitioner to file a status report every 90 days informing the Court of the status of his state court proceedings. Dkt. 25. On July 23, 2024, Petitioner filed a Motion for an extension of time, construed by the Court as a Motion to continue the stay of these § 2254 proceedings. Dkt. 27.

1 By Order dated August 15, 2024, the Court granted the Motion and directed that the case
2 remain stayed. Dkt. 28. In that Order, the Court also directed **Respondent** to file a report every
3 90 days informing the Court of the status of Petitioner's state court proceedings. *Id.* Finally, the
4 Court directed that, if the state court dismisses or resolves Petitioner's state court proceedings,
5 Petitioner **or** Respondent shall inform the Court and file a motion to lift the stay within 30 days
6 of the state court taking such action. *Id.*

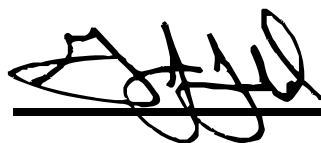
7 On October 29, 2024, Petitioner filed another Motion for an extension of time, again
8 construed by the Court as a Motion to continue the stay of these § 2254 proceedings. Dkt. 29.
9 Also, pursuant to the Court's August 15, 2024, Order, Respondent filed a status report asserting
10 that a continuation of the stay is appropriate because Petitioner is still exhausting his state court
11 remedies. Dkt. 30. As a result, on November 13, 2024, the Court issued an Order granting the
12 Motion to continue the stay, and again directed Respondent to file a status report every 90 days.
13 Dkt. 31.

14 As the Court previously set forth, this Court may stay consideration of a habeas petition
15 to allow a petitioner to exhaust his remedies in state court before returning to federal court. *See*
16 *Rhines v. Weber*, 544 U.S. 69, 274–79 (2005). In the instant Motion, Petitioner again indicates
17 that his proceedings remain pending in state court and requests that the Court continue the stay of
18 these habeas proceedings until the completion of those state court proceedings. Dkt. 32.
19 Respondent's status report again asserts that a continuation of the stay is appropriate because
20 Petitioner is still exhausting his state court remedies. Dkt. 33.

21 Upon review of the Motion and Respondent's status report, the Court finds good cause to
22 grant Petitioner's Motion. Thus, the Motion to continue the stay (Dkt. 32) is **GRANTED** and the
23 case shall remain **STAYED**.

1 **FURTHER, Respondent** is directed to continue to **FILE a report every 90 days**
2 informing the Court of the status of Petitioner's state court proceedings. The next status report is
3 due **on or before April 28, 2025. Based on this directive to Respondent regarding status**
4 **reports, there is no need for Petitioner to file additional motions for extension of time.**
5 Rather, if the state court dismisses or resolves Petitioner's state court proceedings, Petitioner or
6 Respondent is directed to **INFORM** the Court and **FILE** a motion to lift the stay **within 30 days**
7 **of the state court taking such action.** Respondent shall **FILE** its answer **within 45 days after**
8 **the stay is lifted.**

9 Dated this 13th day of February, 2025.

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12 Grady J. Leupold
13 United States Magistrate Judge
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